

**IN THE UNITED STATES BANKRUPTCY COURT
FOR WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE PRIMERA ENERGY, LLC	§	CASE NO. 15-51396-CAG
DEBTOR	§	CHAPTER 11
	§	
	§	
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FREDERICK PATEK, ET AL	§	
PLAINTIFFS,	§	
	§	
V.	§	
	§	
BRIAN A. ALFARO, PRIMERA ENERGY,	§	
LLC, ALFARO OIL AND GAS, INC.,	§	
ALFARO ENERGY, LLC, KING	§	ADV. PRO. NO. 15-05047
MINERALS, LLC, SILVER STAR	§	
RESOURCES, LLC, 430 ASSETS, LLC,	§	
A MONTANA LLC, KRISTI MICHELLE	§	
ALFARO; BRIAN AND KRISTI ALFARO	§	
AS TRUSTEES OF THE BRIAN AND	§	
KRISTI ALFARO LIVING TRUST, AND	§	
ANA AND AVERY'S CANDY ISLAND, LLC	§	
DEFENDANTS		

MOTION TO QUASH OR RESCIND BENCH WARRANT

**TO THE HONORABLE CRAIG A. GARGOTTA
UNITED STATES BANKRUPTCY JUDGE:**

BRIAN ALFARO, by and through his attorney, Dean W. Greer, respectfully move the Court to Quash the Bench Warrant dated January 17, 2019. In support of its motion, Alfaro states the following:

1. On December 21, 2018, this Court issued its Order for Contempt.
2. On January 15, 2019, the Receiver issued his Status Report Submitted by J. Scott Rose, as Receiver. ("Rose"). The report in great detail the status of approximately 33 items. The report acknowledges that Alfaro has produced a substantial amount of documents, including 50 documents submitted on January 14, 2019, the day before the Report was filed.

3. Alfaro is continuing to produce documents, including documents provided to Rose today. While Alfaro may not have produced all the documents or fully explained why the documents cannot be produced, Alfaro has produced a substantial amount of the documents. Moreover, Alfaro believes that Rose has already received documents through his own efforts.

4. What the Receiver's Report did not request was that a bench warrant be issued for Alfaro's arrest. Alfaro asserts the bench warrant is counter-productive because he cannot produce any additional documents while he is in jail. While the Court is obviously frustrated by Alfaro's efforts, Alfaro does not believe such a warrant will advance the "ball" that Rose is seeking.

5. Upon information and belief, Alfaro's counsel believes that Rose is not in favor of a bench warrant for the reasons that it would delay the production process. This is supported by the fact that Rose did not request a bench warrant.

6. Alfaro request an emergency hearing on this Motion, including a telephonic hearing, if necessary, on this motion at the court's earliest convenience.

7. **Brian Alfaro agrees to voluntarily report himself to the United States Marshall's Office.**

Certificate of Conference

By my signature below, this will certify that counsel for Brian Alfaro have spoken by telephone with Scott Rose regarding this matter and that he does not oppose a telephone conference.



Dean W. Greer

Respectfully submitted,

/s/Dean W. Greer
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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of January 2019, a true and correct copy of the foregoing was served via the Court's CM/ECF electronic notification system and via electronic and regular mail on the parties listed below:

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